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March 13, 2001NEW EVIDENCE DISCOVERED IN CONNECTION WITH  
THE MURDER OF KATHARINA BROW

CAMBRIDGE – The Middlesex District Attorney's Office has completed a review of DNA testing conducted on blood found at the scene of Katharina Brow's murder. According to the test results, the DNA of blood collected from the crime scene does not match the DNA of the defendant, Kenneth Waters. On the basis of this newly discovered evidence and in the interests of justice, the Middlesex District Attorney's Office will not oppose a defense motion for a new trial. The District Attorney's Office has initiated a review of all the evidence presented by the Commonwealth at Waters' trial to determine if any charges will be re-tried.

On the morning of May 21, 1980, the body of Katharina Brow, then aged 48, was discovered in her 7 ½ Rosewood Avenue home, in Ayer. She had been stabbed to death. In addition, money and personal items had been taken from her home. Kenneth Waters, formerly of Ayer, was arrested and charged with murder and armed robbery. He was subsequently arraigned, indicted, tried and convicted on both counts. On May 12, 1983, Middlesex Superior Court Judge George Keady, Jr., sentenced Waters to the Massachusetts Correctional Institution at Walpole for a term of life on the murder indictment, and a concurrent term of 8 – 10 years for armed robbery.

At the time of Brow's murder, DNA testing of forensic matter collected from a crime scene was not possible. Instead, Waters' blood and blood discovered at the scene were submitted to the Massachusetts State Police Crime Lab for a blood type analysis. According to the State Police Crime Lab, Waters' blood type matched that of some of the blood found at the scene. At trial, this fact was included in the evidence presented by the Middlesex District Attorney's Office.

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On November 3, 1999, attorney Barry Scheck and other staff of the national Innocence Project approached the Middlesex District Attorney's Office and requested that DNA testing be conducted on blood found at the crime scene, to be compared with Waters' DNA. On April 21, 2000, Middlesex Superior Court Judge Charles Grabau, with the agreement of the Middlesex District Attorney's Office and counsel for Mr. Waters, issued an order releasing forensic evidence gathered at the crime scene to the State Police Crime Lab. The State Police Crime Lab forwarded the forensic materials for DNA testing to Forensic Science Associates (FSA), in California, a laboratory retained by defense counsel. Earlier this month, FSA provided its test results to the Middlesex District Attorney's Office, which the District Attorney's Office then forwarded to the State Police Crime Lab for review. According to FSA, Waters' DNA does not match the DNA of the blood found at the crime scene. Today, the State Police Crime Lab notified the District Attorney's Office that it concurred with FSA's findings.

The Commonwealth has agreed to join with the Innocence Project in its application to add the DNA profile generated by FSA to national and state DNA data banks.

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